

the recovery of the value thereof. An action of *assumpsit* lies to recover stolen money, and an attachment may issue. *Downs v. Baltimore City*, 111 Md. 689.

Where there are several counts in an indictment charging the defendant with more than one distinct and separate felony, the court may in its discretion either compel an election between the counts, or in a clear case may quash the indictment. Several counts held to relate to the same transaction and the indictment held valid. While ordinarily a motion to quash is addressed to the discretion of the court, its discretion is to be governed by rules, and if it acts in violation of those rules, its judgment may be reviewed. *State v. McNally*, 55 Md. 563 (decided prior to the act of 1882, ch. 84).

Larceny defined. The offenses of principal and accessory before the fact in larceny are distinct, and there can not be a conviction of one charge upon an allegation of the other, and an acquittal upon one charge is no bar to a trial upon the other. Suit on a liability bond guaranteeing against embezzlement or larceny. *Canton Bank v. American Bonding Co.*, 111 Md. 51.

Larceny defined. When a person steals goods in another state and brings them into Maryland, he cannot be indicted here for the crime committed in the other state; but the act of bringing such stolen goods into this state is a new larceny for which he may be indicted here. *Worthington v. State*, 58 Md. 403 (decided July 11, 1882).

An indictment charging that the property stolen was worth so many dollars, current money, whereas this section required the value to be of \$5, meaning gold or silver, is valid in the light of article 29, section 1. *et seq.*; at most the words objected to were surplusage or such as should have been excepted to on demurrer. An objection that the record did not show the original indictment, overruled. Suggestion of removal made in time. *Gardner v. State*, 25 Md. 150 (decided prior to the act of 1882, ch. 84.)

An indictment describing the articles stolen as "one hide of the value," etc., is sufficient. *State v. Dowell*, 3 G. & J. 310.

See section 124.

As to thieves and pickpockets, see section 444, *et seq.*

As to receiving stolen goods, etc., see section 423.

As to indictments for larceny, see section 502.

1904, art. 27, sec. 262. 1888, art. 27, sec. 157. 1860, art. 30, sec. 100. 1809, ch. 138, sec. 6. 1868, ch. 214.

286. If any person shall feloniously steal, take and carry away personal goods of another under the value of five dollars, or if any person shall break into any shop, store-house, tobacco house or warehouse, although the same be not contiguous to or used with any mansion house, and steal any money, goods or chattels under the value of one dollar, the same order and course of trial shall be had and observed as for other simple larcenies, and being thereof convicted he shall be deemed guilty of petty larceny and shall restore the goods and chattels so stolen or pay the full value thereof to the owner thereof, and be further sentenced to the penitentiary or to the jail of the county in which the offense may have been committed, or of the city of Baltimore if the offense be committed in said city, in the discretion of the court, for not more than eighteen months.

The statutory offense of petit larceny cannot be classed with misdemeanors. This section referred to in holding article 52, section 12 (as it stood prior to the act of 1906, ch. 475), invalid in part. *Danner v. State*, 89 Md. 224. And see *Baum v. Warden*, 110 Md. 584.

See notes to section 285.